

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN SENATE JUNE 11, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 918

Introduced by Assembly Member Adams
(Coauthors: Assembly Members Carter, Davis, and Jones)

February 26, 2009

An act to add Chapter 2 (commencing with Section 150) to Division 1 of the Welfare and Institutions Code, relating to charitable donations.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Adams. Salvageable personal property: collection boxes.

Existing law makes it unlawful for any association of persons to engage, directly or indirectly, in the soliciting of donations or in selling salvageable personal property obtained by soliciting, except qualified charitable organizations, as described, that meet specified requirements.

Existing law authorizes counties and cities to impose additional requirements for the privilege of soliciting and selling salvageable personal property within their jurisdictions.

This bill would impose requirements for the placement of statements specifying prescribed information on collection boxes, as defined. The bill would also require the owner of a collection box to obtain written

consent from the owner or lessee of the property, or their authorized agent, for placement of the collection boxes, and to provide this consent upon request. The bill specifies that its provisions shall not be deemed to supersede the authority of the Department of Justice or to limit a ~~local jurisdiction~~ *city, county, or city and county* from regulating, monitoring, or prohibiting collection boxes. *The bill would also allow the city, county, or city and county to declare a collection box that is in violation of these provisions to be a public nuisance and to impose additional requirements on the solicitation and sale of salvageable personal property within its jurisdiction.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2 (commencing with Section 150) is
2 added to Division 1 of the Welfare and Institutions Code, to read:

3

4 CHAPTER 2. UNATTENDED COLLECTION BOXES

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6 150. For purposes of this chapter, the following definitions
7 shall apply:

8 (a) "Collection box" means an unattended cannister, box,
9 receptacle, or similar device, used for soliciting and collecting
10 donations of salvageable personal property.

11 (b) "Commercial fundraiser" shall have the same meaning as
12 in subdivision (a) of Section 12599 of the Government Code.

13 (c) "Nonprofit organization" means an organization that is
14 exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4)
15 of the United States Internal Revenue Code.

16 (d) "Salvageable personal property" has the same meaning as
17 in subdivision (b) of Section 148.

18 151. (a) The front of every collection box shall conspicuously
19 display both of the following:

20 (1) The name, address, telephone number, and, if available, the
21 Internet Web address of the owner and operator of the collection
22 box.

23 (2) A statement, in at least two-inch typeface, that ~~the either~~
24 *reads, "this collection box is owned and operated by either a*
25 *for-profit or organization" or "this collection box is owned and*

operated by a nonprofit organization. For purposes of this chapter, a commercial fundraiser shall be classified as a for-profit organization.

(b) If the collection box is owned by a nonprofit organization, the front of the collection box shall also conspicuously display a statement describing the charitable cause that will benefit from the donations.

(c) *If the collection box is owned by a for-profit entity, the front of the collection box shall also conspicuously display a statement that reads "this donation is not tax deductible." If the collection box is owned and operated by a commercial fundraiser, the commercial fundraiser may post notice of donations to a charitable cause only on the sides of the box. This notice shall always be smaller in size than the for-profit entity's name and address and shall constitute only 25 percent of the notice space of the box.*

152. The owner of a collection box shall obtain written consent from the owner or lessee of the property where the collection box is located, or the owner or lessee's authorized agent, stating that the owner of the collection box has received permission to place the box on the property. In the event that the property owner or lessee, or the owner or lessee's authorized agent, chooses not to provide written consent, the property owner or lessee, or the owner or lessee's authorized agent, may give verbal consent as long as documentation of that consent includes appropriate contact information. Upon request of the ~~local jurisdiction~~ city, county, city and county, or an interested person, this written or verbal consent shall be made available by the owner of the collection box.

153. *A city, county, or city and county shall have the authority to declare a box that is in violation of this chapter to be a public nuisance and to abate that nuisance accordingly.*

~~153.~~

154. Nothing in this chapter shall be construed to do either of the following:

(a) Supersede or in any way limit existing authority of the Department of Justice over fundraising for charitable purposes.

~~(b) Affect the authority of a city, county, or city and county to regulate, monitor, or prohibit collection boxes.~~

- 1 ***(b) Limit or infringe upon the powers of a city, county, or city***
- 2 ***and county to impose additional requirements upon the solicitation***
- 3 ***and sale of salvageable personal property within its jurisdiction.***

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